

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CLARA NOLEN,

Plaintiff,

vs.

Civil Action No. 11-2832

FEDEX TECHCONNECT, INC.,

Defendant.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant, FedEx TechConnect Inc. (hereinafter “FedEx”) moves the Court for an order granting it summary judgment as to all claims raised in Plaintiff’s complaint.

FedEx is entitled to summary judgment as to all of Nolen’s claims because: (1) she cannot state a prima facie case of race discrimination under Title VII of the Civil Rights Act of 1964; (2) even if Nolen were able to state a prima facie case of race discrimination, she cannot demonstrate that FedEx’s stated reasons for her termination are pretextual; (3) she cannot state a prima facie case of FMLA retaliation; and (4) even if Nolen were able to state a prima facie case of FMLA retaliation, she cannot demonstrate that FedEx’s stated reasons for her termination were pretext for a retaliatory motive.

The bases for FedEx’s motion are set forth more fully in its Memorandum of Argument and Law and its Statement of Material Undisputed Facts filed contemporaneously herewith. Based upon the foregoing and the record as a whole,

FedEx is entitled to summary judgment in its favor as to all of Nolen's claims and respectfully moves the Court for an order granting judgment in its favor.

Respectfully submitted,

s/ M. Kimberly Hodges, #20809

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CERTIFICATE OF SERVICE

The undersigned counsel for Defendant certifies that the foregoing was served via this Court's ECF filing system on the following counsel for Plaintiff this 4th day of January, 2013:

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